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AROMAS, CA 95004

EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding:

# Office Action Summary

Application No.

09/757,728

Applicant(s)

COUSSEMENT, STEFAAN  
VALERE ALBERT

Examiner

Azizul Choudhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-31 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/30/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

***Detailed Action***

This office action is in response to the correspondence received on March 24, 2005.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 12-17, 19-21, 23-24, 26-28 and 31-33 are rejected under 35

U.S.C. 102(e) as being anticipated by Miesbauer et al (US Pat No: US006760767B1), hereafter referred to as Miesbauer.

1. With regards to claim 1, Miesbauer teaches a network including a communication center and a plurality of clients using communication devices, a system enabling agents of the communication center to best communicate with the clients and client devices, including configuring call-back options and preferences, the system comprising: customer presence software executing at each client device for monitoring client and client device status; and a communication-center presence software executing in the communication center for receiving information from the customer presence software; characterized in that the customer presence software monitors real-time client and client device status at each client device including on-line/off-line status of the client and client

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device, and the client's callback preferences including medium preferences and client device preferences, communicates the status information to the communication center presence software, and the communication center presence software integrates the received status information and provides the integrated result to the agents of the communication center (Miesbauer teaches a communication connectivity verification design. In the design, an online center (equivalent to claimed communication center) communicates with subscribing stations (equivalent to claimed clients) (column 2, line 64 – column 4, line 11, Miesbauer) to verify proper connectivity (equivalent to claimed online/offline status). Plus, the design allows clients to set notification mode requests and has means for callback (column 3, lines 25-39, Miesbauer). Finally the design features software (equivalent to the claimed presence software) on both the customer/client sites (column 5, lines 1-6, Miesbauer) and the online center (communication center) (column 3, lines 4-7, Miesbauer) allowing the two sites to communicate and transfer status information to each other).

2. With regards to claims 2 and 20, Miesbauer teaches a system wherein the network is a data-packet-network (Miesbauer's design has the devices communicate through networks (Figure 1, Miesbauer)).

3. With regards to claims 3 and 21, Miesbauer teaches a system wherein the data-packet network is the Internet (Miesbauer's design has the devices communicate through networks, such as the Internet (Figure 1, item 18, Miesbauer)).

4. With regards to claims 12 and 33, Miesbauer teaches a system wherein the client-status information provided to an agent automatically updates periodically (Miesbauer's design allows for the information to be provided through an automatic reporting system (column 2, line 67 – column 3, line 3, Miesbauer)).

5. With regards to claim 13, Miesbauer teaches a system wherein the client-status information is continually streamed to the subscribing agent-user during a session with a client (Miesbauer's design allows for the information to be provided through an automatic reporting system (column 2, line 67 – column 3, line 3, Miesbauer)).

6. With regards to claim 14, Miesbauer teaches a system wherein the transfer of client-status information is by instant messaging (Miesbauer's design allows for the information to be provided through an automatic reporting system (column 2, line 67 – column 3, line 3, Miesbauer)). No limitation is placed on the forms of reporting and hence instant messaging is an acceptable reporting method for Miesbauer's design).

7. With regards to claims 15 and 24, Miesbauer teaches a system wherein the customer presence software executing at the client devices for monitoring client and device status is provided by a host of the communication center, and the communication center presence software executing in the communication center communicates directly with the customer presence software executing at the client

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device (Miesbauer's design features software (equivalent to the claimed presence software) on both the customer/client sites (column 5, lines 1-6, Miesbauer) and the online center (communication center) (column 3, lines 4-7, Miesbauer) allowing the two sites to communicate and transfer status information to each other. The customer/client side software is serviced, upgraded and maintained by the host site hence the claimed providing the presence software to the client is present within the Miesbauer design).

8. With regards to claims 16 and 23, Miesbauer teaches a system wherein one or more instances of customer presence service software are foreign presence service software provided by a third-party presence service provider, and further comprising a foreign presence service server operating in the network and communicating with both the instances of the foreign presence service software and the communication center presence software executing at the communication center (Miesbauer's design features software (equivalent to the claimed presence software) on both the customer/client sites (column 5, lines 1-6, Miesbauer) and the online center (communication center) (column 3, lines 4-7, Miesbauer) allowing the two sites to communicate and transfer status information to each other. The design also allows online center (communication center) to access the service software at a centralized facility (equivalent to claimed third-party)).

9. With regards to claim 17, Miesbauer teaches a system wherein the network is one or a combination of the Internet network, a wireless cellular telephone network, or a

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public service telephone network (Miesbauer's design allows for networks to enable the devices to communicate with one another (Figure 1, Miesbauer)).

10. With regards to claim 19, Miesbauer teaches a method for enabling real or robotic agent-users of a communication center connected to a network to obtain real-time client-presence status information related to clients of the information-source facility comprising the steps of:

- (a) Executing presence software at client devices used by the clients;
- (b) Communicating client-status information by the presence software, including on-line/off-line status of the client and client device, and the client's callback preferences including medium preferences and client device preferences to a communication center presence software executing in the communication center; and
- (c) Integrating the client-status information or a portion thereof and serving the result to subscribing agent workstations in the communication center

(Miesbauer teaches a communication connectivity verification design. In the design, an online center (equivalent to claimed communication center) communicates with subscribing stations (equivalent to claimed clients) (column 2, line 64 – column 4, line 11, Miesbauer) to verify proper connectivity (equivalent to claimed online/offline status). Plus, the design allows clients to set notification mode requests and has means for callback (column 3, lines 25-39, Miesbauer). Finally the design features software (equivalent to the claimed presence software) on both the customer/client sites (column

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5, lines 1-6, Miesbauer) and the online center (communication center) (column 3, lines 4-7, Miesbauer) allowing the two sites to communicate and transfer status information to each other).

11. With regards to claim 26, Miesbauer teaches a method wherein in step (b), the client-status information is communicated in the form of instant messages containing the information (Miesbauer's design allows for the information to be provided through an automatic reporting system (column 2, line 67 – column 3, line 3, Miesbauer). No limitation is placed on the forms of reporting and hence instant messaging is an acceptable reporting method for Miesbauer's design).

12. With regards to claim 27, Miesbauer teaches a method wherein in step (b), the client-status information is communicated through an electronic information page (Miesbauer's design allows for the information to be provided through an automatic reporting system (column 2, line 67 – column 3, line 3, Miesbauer). No limitation is placed on the forms of reporting and hence an electronic information page is an acceptable reporting method for Miesbauer's design).

13. With regards to claim 28, Miesbauer teaches a method wherein in step (b), on-line/off-line status information is communicated in the form of instant messages containing the information, and callback preference information is communicated through an electronic information page (Miesbauer's design allows for the information to



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be provided through an automatic reporting system. (column 2, line 67 – column 3, line 3, Miesbauer). No limitation is placed on the forms of reporting and hence instant messaging and electronic information pages are acceptable reporting methods for Miesbauer's design).

14. With regards to claim 31, Miesbauer teaches a method wherein the alert is of the form of one of a page to a paging device, an instant message, an e-mail, or a telephone beep (Miesbauer's design allows for electronic notification of the report (column 2, line 64 – column 4, line 11, Miesbauer)).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6, 8-11, 18, 22, 25 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miesbauer in view of Rakavy et al (US Pat No: US005913040A), hereafter referred to as Rakavy.

15. With regards to claims 4 and 22, Miesbauer teaches through Rakavy, a system wherein the communication center markets products and or service to the clients

(Miesbauer teaches a design for a communication connectivity verification system. While data can be sent from the host to the clients (column 2, line 64 – column 4, line 11, Miesbauer), no details are provided stating that advertisements are handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Miesbauer and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further teaches how items can be marketed to client machine users based on information obtained from the client machines. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to combine the teachings of Miesbauer with those of Rakavy, to provide upgrades, maintenance, service, and general monitoring of the various systems and equipment at a customer site, which includes accessing data from the systems and transmitting data to the systems (column 4, lines 50-54, Miesbauer)).

16. With regards to claim 5, Miesbauer teaches through Rakavy, a system wherein the agents are human resources employed by the communication center

(Miesbauer's design allows for the agents to be people or electronic (column 5, lines 42-53, Miesbauer). Miesbauer however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Miesbauer and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further teaches how items can be marketed to client machine users based on information obtained from the client machines. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to combine the teachings of Miesbauer with those of Rakavy, to provide upgrades, maintenance, service, and general monitoring of the various systems and equipment at a customer site, which includes accessing data from the systems and transmitting data to the systems (column 4, lines 50-54, Miesbauer)).

17. With regards to claim 6, Miesbauer teaches through Rakavy, a system wherein the agents are automated robotic systems implemented at the communication center (Miesbauer's design allows for the agents to be people or electronic (column 5, lines 42-53, Miesbauer). Miesbauer however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Miesbauer and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further teaches how items can be marketed to client machine users based on information obtained from the client machines. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to combine the teachings of Miesbauer with those of Rakavy, to provide upgrades, maintenance, service, and general monitoring of the various systems and equipment at a customer site, which includes accessing data from the systems and transmitting data to the systems (column 4, lines 50-54, Miesbauer)).

18. With regards to claim 8, Miesbauer teaches through Rakavy, a system wherein an alert is propagated to the clients

(Miesbauer's design allows for subscribers (clients) to select their desired notification mode (column 3, lines 25-39, Miesbauer). Miesbauer however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Miesbauer and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further teaches how items can be marketed to client machine users based on information obtained from the client machines. Therefore, it would have been obvious to one skilled in the art, during

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the time of the invention, to combine the teachings of Miesbauer with those of Rakavy, to provide upgrades, maintenance, service, and general monitoring of the various systems and equipment at a customer site, which includes accessing data from the systems and transmitting data to the systems (column 4, lines 50-54, Miesbauer)).

19. With regards to claims 9, 25, 29, and 30, Miesbauer teaches through Rakavy, a system wherein the alert indicates one or more of status of the communication center, including one or more of the number of calls in queue and the estimated waiting time, and a time for callback, enabling the client to plan or to initiate a call with high probability of success

(Miesbauer teaches a design allowing for callbacks (column 3, lines 25-39, Miesbauer). The claimed features are equivalent to this feature of Miesbauer's design. Miesbauer however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Miesbauer and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further teaches how items can be marketed to client machine users based on information obtained from the client machines. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to combine the teachings of Miesbauer with those of Rakavy,

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to provide upgrades, maintenance, service, and general monitoring of the various systems and equipment at a customer site, which includes accessing data from the systems and transmitting data to the systems (column 4, lines 50-54, Miesbauer)).

20. With regards to claim 10, Miesbauer teaches through Rakavy, a system wherein optional callback or alert mediums include cellular, IP, and wired communication mediums

(Miesbauer's design uses networks. Protocols must hence be followed, such as IP (Figure 1, Miesbauer). No limitation is made regarding what type of network may be used, hence the network may be wired or wireless. Miesbauer however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Miesbauer and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further teaches how items can be marketed to client machine users based on information obtained from the client machines. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to combine the teachings of Miesbauer with those of Rakavy, to provide upgrades, maintenance, service, and general monitoring of the various

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systems and equipment at a customer site, which includes accessing data from the systems and transmitting data to the systems (column 4, lines 50-54, Miesbauer)).

21. With regards to claim 11, Miesbauer teaches through Rakavy, a system wherein the optional callback or alert devices includes cellular telephones, pagers, telephones, computer stations, handheld computers and laptop computers

(Miesbauer teaches a design allowing for callbacks (column 3, lines 25-39, Miesbauer). Miesbauer however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Miesbauer and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further teaches how items can be marketed to client machine users based on information obtained from the client machines. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to combine the teachings of Miesbauer with those of Rakavy, to provide upgrades, maintenance, service, and general monitoring of the various systems and equipment at a customer site, which includes accessing data from the systems and transmitting data to the systems (column 4, lines 50-54, Miesbauer)).

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22. With regards to claim 18, Miesbauer teaches through Rakavy, a system wherein one or more instances of the customer presence software are provided by the communication center host, and one or more instances are provided by a third party presence service provider, and wherein two or more client devices executing presence software are associated with a single client, the communication center presence software providing thereby regularly updated and integrated presence status over the multiple devices for the single client

(Miesbauer's design features software (equivalent to the claimed presence software) on both the customer/client sites (column 5, lines 1-6, Miesbauer) and the online center (communication center) (column 3, lines 4-7, Miesbauer) allowing the two sites to communicate and transfer status information to each other. The design also allows online center (communication center) to access the service software at a centralized facility (equivalent to claimed third-party). Miesbauer however fails to disclose details about advertisements being handled.

Rakavy discloses a design to allow for advertisements to be transmitted to clients based on data obtained from the client machines by the server machines (column 2, line 66 – column 3, line 63, Rakavy). This process allows for the marketing of products as claimed.

Both Miesbauer and Rakavy teach methods by which data concerning the client machines are obtained by the server machines. Rakavy however further teaches how items can be marketed to client machine users based on information obtained from the client machines. Therefore, it would have been obvious to one skilled in the art, during



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the time of the invention, to combine the teachings of Miesbauer with those of Rakavy, to provide upgrades, maintenance, service, and general monitoring of the various systems and equipment at a customer site, which includes accessing data from the systems and transmitting data to the systems (column 4, lines 50-54, Miesbauer)).

### ***Response to Remarks***

In response to the amendment received March 24, 2005, the examiner has conducted a new search and has applied a prior art more applicable to the amended claims. Despite the amendments, the office continues to feel that the claimed invention lacks novelty, as expressed by the claim rejection explanations above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC

  
VALENCIA MARTIN-WALLACE  
SUPERVISORY PATENT EXAMINER